

# House Study Bill 77 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
PUBLIC SAFETY BILL BY  
CHAIRPERSON BAUDLER)

## A BILL FOR

1 An Act establishing a parole procedure for certain persons  
2 serving a class "A" felony sentence and including effective  
3 date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 902.1, Code 2011, is amended to read as  
2 follows:

3 **902.1 Class "A" felony.**

4 1. Upon a plea of guilty, a verdict of guilty, or a special  
5 verdict upon which a judgment of conviction of a class "A"  
6 felony may be rendered, the court shall enter a judgment of  
7 conviction and shall commit the defendant into the custody of  
8 the director of the Iowa department of corrections for the rest  
9 of the defendant's life. Nothing in the Iowa corrections code  
10 pertaining to deferred judgment, deferred sentence, suspended  
11 sentence, or reconsideration of sentence applies to a class "A"  
12 felony, and a ~~person~~ defendant convicted of a class "A" felony  
13 shall not be released on parole unless the governor commutes  
14 the sentence to a term of years.

15 2. a. Notwithstanding subsection 1, a defendant convicted  
16 of a class "A" felony, and who was a child under the age  
17 of eighteen at the time the offense was committed shall be  
18 eligible for parole after serving a minimum term of confinement  
19 of forty-five years.

20 b. If a defendant is paroled pursuant to this subsection the  
21 person shall be subject to the same set of procedures set out  
22 in chapters 901B, 905, 906, and chapter 908, and rules adopted  
23 under those chapters for defendants on parole.

24 c. A defendant convicted of murder in the first degree in  
25 violation of section 707.2 shall not be eligible for parole  
26 pursuant to this subsection. A person convicted of any other  
27 class "A" felony where a murder or homicide arose out of  
28 the same set of facts as the class "A" felony, shall not be  
29 eligible for parole.

30 Sec. 2. Section 906.5, subsection 1, unnumbered paragraph  
31 1, Code 2011, is amended to read as follows:

32 The board shall establish and implement a plan by which the  
33 board systematically reviews the status of each person who  
34 has been committed to the custody of the director of the Iowa  
35 department of corrections and considers the person's prospects

1 for parole or work release. The board at least annually shall  
2 review the status of a person other than a class "A" felon, a  
3 class "B" felon serving a sentence of more than twenty-five  
4 years, or a felon serving an offense punishable under section  
5 902.9, subsection 1, or a felon serving a mandatory minimum  
6 sentence other than a class "A" felon, and provide the person  
7 with notice of the board's parole or work release decision.  
8 The board shall only review the status of a class "A" felon  
9 eligible for parole pursuant to section 901.1, subsection  
10 2, upon the person serving the mandatory minimum term of  
11 confinement, and shall only review the status every five years  
12 thereafter.

13 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
14 immediate importance, takes effect upon enactment.

15 EXPLANATION

16 This bill establishes a parole procedure for certain persons  
17 serving a class "A" felony.

18 The bill provides that a person serving a class "A" felony  
19 who was under 18 years of age when the offense was committed is  
20 eligible for parole after serving a minimum term of confinement  
21 of 45 years.

22 The bill applies to the following class "A" felonies:  
23 conspiracy to manufacture for delivery, delivery, or intent to  
24 deliver amphetamine or methamphetamine to a minor in violation  
25 of Code section 124.401D; sexual abuse in the first degree in  
26 violation of Code section 709.2; kidnapping in the first degree  
27 in violation of Code section 710.2; and enhanced penalties for  
28 sexual abuse and lascivious acts with a child in violation of  
29 Code section 902.14.

30 The bill does not apply to the following class "A" felonies:  
31 murder in the first degree in violation of Code section 707.2;  
32 or any other class "A" felony if a murder or homicide arose out  
33 of the same set of facts as the class "A" felony.

34 The bill specifies the board of parole shall only review the  
35 status of a person eligible for parole under the bill upon the

1 person serving 45 years of confinement, and restricts the board  
2 from reviewing the status of the person to every five years  
3 thereafter.

4     If a person is paroled pursuant to the bill, the person  
5 shall be subject to the same set of procedures set out in Code  
6 chapters 901B, 905, 906, and 908, and rules adopted under those  
7 Code chapters for persons on parole. The parole status of a  
8 person paroled pursuant to the bill may be revoked and the  
9 original sentence imposed under the procedures of Code chapter  
10 908. The paroled person may also be discharged early from  
11 parole pursuant to Code section 906.15.

12     Code section 903A.5 does not apply to reduce the mandatory  
13 minimum sentence of 45 years established by the bill.

14     The bill also does not apply to enhanced life sentences in  
15 Code chapter 901A (sexually predatory offenses).

16     The bill takes effect upon enactment.